

Appl. No.: 10/720,717  
Amdt. dated 06/10/2005  
Reply to Office action of March 21, 2005

The Peppel '607 patent discloses a test specimen holder that holds a specimen **12** with upper and lower test specimen holders **14A** and **14B** while tension or compression forces are applied to the test specimen. The material testing system **10** of the Peppel '607 patent includes a load cell **32** that provides a signal indicative of the forces applied to the specimen and includes a crosshead and support columns **28** that provide the reaction structure **18**, all of which is supported by the base **22**. The Office Action alleges that the support of the Peppel '607 patent contacts a surface of the structure proximate the area of the structure to be inspected; however, Applicants respectfully submit that the support of the Peppel '607 patent does not contact a surface of the structure proximate the area of the structure to be inspected.

In the present application, the loading device of Claims 1, 8, 9, 17, and 19-22 applies a load to a surface of a composite structure during inspection and includes a support that contacts a surface of the structure proximate the area of the structure to be inspected. Dissimilarly, the material testing system of the Peppel '607 patent contacts the inspected specimen at only the upper and lower test specimen holders **14A** and **14B**, neither of which constitute the support of the material testing system. The base **22**, support columns **28**, and crosshead **30** of the Peppel '607 patent functions as the support of the material testing system; therefore, the support does not contact a surface of the test specimen **12** proximate the area of the test specimen to be inspected. Independent Claims 1 and 17 of the present application recite the support of the loading device as contacting a surface proximate the area of the composite structure to be inspected, which is not disclosed in the Peppel '607 patent. For at least this reason, Applicants respectfully submit that the independent Claims 1 and 17, and the claims that depend therefrom, are not anticipated by the Peppel '607 patent. Accordingly, Applicants respectfully request that the rejections of Claims 1, 8, 9, 17, and 19-22 be withdrawn.

#### **Rejections Under 35 U.S.C. § 103(a)**

The Office Action rejected Claims 6, 7, and 18 under 35 U.S.C. § 103(a) as being unpatentable over the Peppel '607 patent in view of U.S. Patent No. 2,760,370 to Linhorst ("the Linhorst '370 patent"). The Linhorst '370 patent does disclose a dial gauge **51**; however, the gauge is provided to indicate linear displacement, rather than to indicate a load as recited in

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Claim 7 of the present application. The load-deflection tester of the Linhorst '370 patent also does not disclose a support that contacts a surface of the structure proximate the area of the structure to be inspected. Therefore, even if the references were combined, the combination would still fail to teach or suggest a support that contacts a surface of the structure proximate the area of the structure to be inspected, as set forth in Claims 6, 7, and 18, as well as a load indicator with a dial as in Claim 7. Applicants respectfully request that the rejections of Claims 6, 7, and 18 be withdrawn.

The Office Action also rejected Claims 6 and 18 under 35 U.S.C. § 103(a) as being unpatentable over the Peppel '607 patent in view of U.S. Patent No. 2,359,515 to Fanger ("the Fanger '515 patent"). The tension loading device of the Fanger '515 patent does not disclose a support that contacts a surface of the structure proximate the area of the structure to be inspected. Therefore, even if the references were combined, the combination would still fail to teach or suggest a support that contacts a surface of the structure proximate the area of the structure to be inspected, as set forth in Claims 6 and 18. Applicants respectfully request that the rejections of Claims 6 and 18 be withdrawn.

### **CONCLUSION**

In view of the foregoing remarks, Applicants respectfully submit that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Mack is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Keith A. Roberson  
Registration No. 52,171

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 17, 2005

  
Tammy Stevens

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